

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

Case No.

Honorable:

vs.

Mag. Judge:

Glock 48 9mm Pistol, SN: BKZC953, 9mm
Magazine and 10 Rounds of 9mm
Ammunition;

FNH USA FN Five-seveN 5.7x28mm Pistol,
SN: 386388375, 5.7x28mm Magazine and
16 Rounds of 5.7x28mm Ammunition;

Springfield Armory XD Sub-Compact .45
Caliber Pistol, SN: GM479034, .45 Caliber
Magazine and 12 Rounds of .45 Caliber
Ammunition;

Glock 43X 9mm Pistol, SN: BWUW398,
9mm Magazine and 10 Rounds of 9mm
Ammunition;

Heckler & Koch HK45 Tactical .45 Caliber
Pistol, SN: HKU-044994, and .45 Caliber
Magazine;

Glock 17 Gen 5 9mm Pistol, SN:
BNVK996, 9mm Magazine and 10 Rounds
of 9mm Ammunition;

Heckler & Koch SP5K 9mm Pistol, SN:
273-000826, 9mm Magazine and 30 Rounds
of 9mm Ammunition;

Kriss Arms Kriss Vector SDP .45 Caliber
Pistol, SN: 45P010151, .45 Caliber
Magazine and 13 Rounds of .45 Caliber
Ammunition;

Q Honey Badger .300 AAC Blackout
Caliber Pistol, SN: AA2458, 300 AAC
Blackout Magazine and Q Trash Panda
Suppressor, SN: UA4813;

Daniel Defense DDMK-18 5.56mm
Pistol, SN: A20979, 5.56mm Magazine and
30 Rounds of 5.56mm Ammunition,

Defendants *in rem*.

Complaint for Forfeiture

NOW COMES Plaintiff, the United States of America, by and through Dawn N. Ison, United States Attorney for the Eastern District of Michigan, and Kelly E. Fasbinder, Assistant United States Attorney, and states upon information and belief the following in support of this Complaint for Forfeiture *in rem* that:

Jurisdiction and Venue

1. This is an *in rem* civil forfeiture action pursuant to 21 U.S.C. § 881(a)(6) and (11) related to a violation or violations of 21 U.S.C. § 841(a)(1).
2. This Court has original jurisdiction over this forfeiture action pursuant to 28 U.S.C. § 1345 because this action is being commenced by the United States of America as Plaintiff.

3. This Court has jurisdiction over this forfeiture action pursuant to 28 U.S.C. § 1355(b)(1)(A) and (B) because the acts giving rise to the forfeiture occurred in the Eastern District of Michigan and because the property was found in this district.

4. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to this action occurred in the Eastern District of Michigan.

5. Venue is also proper before this Court pursuant to 28 U.S.C. § 1395(b) because the Defendants *in rem* were found and seized in the Eastern District of Michigan.

Defendants *in rem*

6. The Defendants *in rem* consist of:
- a. Glock 48 9mm Pistol, SN: BKZC953, 9mm Magazine and 10 Rounds of 9mm Ammunition;
 - b. FNH USA FN Five-seveN 5.7x28mm Pistol, SN: 386388375, 5.7x28mm Magazine and 16 Rounds of 5.7x28mm Ammunition;
 - c. Springfield Armory XD Sub-Compact .45 Caliber Pistol, SN: GM479034, .45 Caliber Magazine and 12 Rounds of .45 Caliber Ammunition;
 - d. Glock 43X 9mm Pistol, SN: BWUW398, 9mm Magazine and 10 Rounds of 9mm Ammunition;

- e. Heckler & Koch HK45 Tactical .45 Caliber Pistol, SN: HKU-044994, and .45 Caliber Magazine;
- f. Glock 17 Gen 5 9mm Pistol, SN: BNVK996, 9mm Magazine and 10 Rounds of 9mm Ammunition;
- g. Heckler & Koch SP5K 9mm Pistol, SN: 273-000826, 9mm Magazine and 30 Rounds of 9mm Ammunition;
- h. Kriss Arms Kriss Vector SDP .45 Caliber Pistol, SN: 45P010151, .45 Caliber Magazine and 13 Rounds of .45 Caliber Ammunition;
- i. Q Honey Badger .300 AAC Blackout Caliber Pistol, SN: AA2458, 300 AAC Blackout Magazine and Q Trash Panda Suppressor, SN: UA4813; and
- j. Daniel Defense DDMK-18 5.56mm Pistol, SN: A20979, 5.56mm Magazine and 30 Rounds of 5.56mm Ammunition.

7. Members of the Drug Enforcement Administration (“DEA”) seized the Defendants *in rem* on November 9, 2022.

8. The Defendants *in rem* are currently in the custody of the DEA.

Statutory Basis for Civil Forfeiture

9. Title 21 of the United States Code, Section 841(a)(1) prohibits the manufacture, distribution, or dispensation, or possession with intent to manufacture, distribute, or dispense, a controlled substance.

10. Title 21 of the United States Code, Section 881(6) provides for civil forfeiture to the United States of all “things of value” furnished or intended to be

furnished by any person in exchange for a controlled substance and all proceeds traceable to such an exchange, which includes firearms and ammunition.

11. Title 21 of the United States Code, Section 881(11), provides for civil forfeiture to the United States of any firearm used or intended to be used to facilitate the transportation, sale, receipt, possession or concealment of narcotics and any proceeds traceable to such property.

Factual Basis Supporting Forfeiture

12. The Defendants *in rem* are subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6) as other things of value furnished or intended to be furnished in exchange for a controlled substance or proceeds traceable to such an exchange, and pursuant to 21 U.S.C. § 881(a)(11) as firearms that were used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance in violation of Title 21 of the United States Code. Evidence supporting forfeiture includes, but is not limited to, the following:

- a. On November 9, 2022, members of the DEA executed a State search warrant at the residence of Melvin Kemp (“Kemp”), in Westland, Michigan.
- b. Kemp was present during the search.

- c. DEA's search of the residence resulted in the discovery and seizure of the Defendants *in rem*.
- d. In addition, DEA's search of the residence resulted in the discovery and seizure of narcotics and materials related to drug trafficking, including U.S. currency, 7.4 grams of Methamphetamine, a Schedule II controlled substance; 770.1 grams of Bromazolam, a Schedule I controlled substance, 28.5 grams of Psilocin/Psilocybin, Schedule I controlled substance, drug paraphernalia, and narcotics packaging material.
- e. All but two of the Defendants *in rem* were found in the same room or location as the above listed narcotics, drug paraphernalia, and narcotics packaging material. The remaining two firearms were found in the primary bedroom with U.S. currency.
- f. During the search of the residence, agents/officers conducted a post-Miranda interview with Kemp who stated that he took responsibility for anything found in the residence, and admitted he was aware of the methamphetamine found in the residence. Kemp admitted to selling pills and mushrooms.

g. On April 22, 2024, in the Circuit Court of Fond du Lac County, Wisconsin, Kemp pleaded guilty to one count of conspiracy to manufacture, distribute, or deliver Amphetamine (>50g) and one count of conspiracy to manufacture, distribute or deliver Schedule I, II Narcotics. On May 30, 2024, Kemp was sentenced to 108 months in prison and 12 months of probation.

Claim for Relief

13. Plaintiff re-alleges and incorporates by reference each and every allegation contained in Paragraphs 1 through 12.

14. The Defendants *in rem* are forfeitable to the United States pursuant to 21 U.S.C. § 881(a)(6) because they were furnished or intended to be furnished in exchange for a controlled substance or proceeds traceable to such an exchange, and pursuant to 21 U.S.C. § 881(a)(11) because they were used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance in violation of Title 21 of the United States Code.

Conclusion and Relief

Plaintiff respectfully requests that this Court issue warrants for arrest of the Defendants *in rem*; that due notice be given to all interested parties to appear and show cause why forfeiture should not be decreed; that judgment be entered

declaring the Defendants *in rem* condemned and forfeited to the United States for disposition according to law; and, that the United States be granted such further relief as this Court may deem just and proper, together with costs and disbursements of this action.

Respectfully submitted,

Dawn N. Ison
United States Attorney

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Dated: January 2, 2025

VERIFICATION

I, James Boylan, state that I am a Task Force Officer with the Drug Enforcement Administration. I have read the foregoing Complaint for Forfeiture and declare under penalty of perjury that the facts contained therein are true and correct based upon knowledge possessed by me and/or upon information received from other law enforcement agents.

A handwritten signature in black ink that reads "James Boylan". The signature is written in a cursive, flowing style.

TFO James Boylan, DEA

Dated: December 30, 2024